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are retained, they are elective positions, and in their operation are not in any way subject to the supervision of the Mayor. A list of these offices, boards, etc., which are not under the Mayor is shown in the chart. The new charter provisions require that they make their requests for appropriations to the Mayor and it is further provided that these requests are "subject to revision by the Mayor in his discretion." But he has no means whatever of finding

out the real needs of these departments and hence no basis for a careful judgment in making a revision. An executive budget as the new charter contemplates is impossible without executive control. And until some unification of county and city offices is obtained a well-balanced financial program can not be secured. On the whole, however, the first year under the new provisions showed an important advance over previous years.

## Administrative Reorganization in the Federal Government

By A. N. HOLCOMBE, PH.D.

Professor of Government, Harvard University

**E**XTRAVAGANCE has long been a chronic ailment of the Government of the United States. Ever since Jeffersonian simplicity gave way to the Jacksonian spoils system, it has manifested all the symptoms of a constitutional complaint. In general, it has entailed no great drain on the national resources. Indeed, during the eighteen-eighties the politicians at Washington seemed more disturbed by a series of recurrent surpluses than they ever had been by deficits, and plunged into an orgy of river-and-harbor and pension legislation far exceeding any previous fiscal dissipations in the history of the Federal Government. Prior to the World War, governmental extravagance was a discreditable, but by no means an intolerable, burden. Now, however, the necessity for economy is urgent and the pains of extravagance are acute.

Administrative reorganization in any government may be advocated on two grounds, economy and efficiency. Administrative reorganization in the Federal Government has been advocated

on the latter ground for many years. President Roosevelt made a beginning by the appointment of the Keep Commission with a view to the improvement of administrative methods in the departments. President Taft was deeply interested in the matter and gave a great impetus to the cause of administrative efficiency throughout the Union by the creation of the Cleveland Commission on Economy and Efficiency. How great this impetus was is revealed in the comprehensive study by the Institute for Government Research, entitled *Organized Efforts for the Improvement of Methods of Administration in the United States*. The efficiency movement of the last decade has accomplished substantial results in the state and local governments. Until the close of the war, comparatively little had been accomplished in the Federal Government. Now the need for economy has supplied a more powerful incentive for administrative reorganization than the want of efficiency ever did.

## DISTRIBUTION OF BUREAUS

The advocates of administrative reorganization generally begin with a reclassification of governmental activities and a redistribution of the corresponding administrative agencies between the several executive departments. It must be granted at once that the existing distribution of the administrative bureaus between the executive departments is utterly illogical. We have, for example, a Navy Department which is charged with the maintenance of extensive facilities for the operation of vessels on the high seas, and their construction and repair. Yet five years ago the War Department had a greater number of vessels afloat than the navy had, and lesser fleets were maintained by the Treasury Department and the Department of Commerce. The former operated the Coast Guard, originally the Revenue Cutter Service, while the latter operated two fleets, one under the Light-house Service, another under the Coast and Geodetic Survey. Now the Shipping Board has a greater fleet than all the others combined. Many other instances may be cited of different departments engaged in similar activities.

Likewise many instances may be cited where the same activity may be claimed on logical grounds by different agencies. Should the Americanization of immigrants, for example, be assigned to the Bureau of Naturalization in the Department of Labor on the ground that the immigrants are aliens, or to the Bureau of Education in the Department of the Interior, on the ground that Americanization is an educational process? Should chemical researches be prosecuted in order to foster the development of a domestic dyestuffs industry by the Bureau of Mines of the Department of the Interior on the ground that the intermediates from

which the dyes must be made are by-products of the coal mines; or to the Bureau of Standards of the Department of Commerce on the ground that the manufacture of coal tar dyes is intimately connected with the standardization of colors; or to the Tariff Commission on the ground that it is interested in determining the need for protection; or to the Bureau of Chemistry of the Department of Agriculture on the ground that it has a well-equipped chemical laboratory and a staff of skilled chemists? Should the protection of the interests of the growers of cotton or grain for export be entrusted to the Bureau of Markets of the Department of Agriculture on the ground that it is charged with the protection of the interests of farmers; or to the Bureau of Foreign and Domestic Commerce of the Department of Commerce on the ground that it is charged with the protection of the interests of exporters? Should the investigation of the conditions of health in rural schools be committed to the Public Health Service of the Treasury Department on the ground that it is a question of health; or to the Bureau of Education in the Department of the Interior on the ground that it is a question of education; or to the States Relations Service of the Department of Agriculture on the ground that it is a matter of country life; or to the Children's Bureau because it is a question of children?

No one of these alternatives is more fantastic than the solutions that have been found for other problems of a similar character. The enforcement of the eighteenth amendment was assigned to the Bureau of Internal Revenue because that bureau already possessed a corps of agents employed in running down moonshiners and other violators of the federal excise laws. The enforcement of the child labor law

was nearly committed to the same agency because, to avoid constitutional limitations upon the legislative authority of Congress, the federal child labor law was ultimately enacted in the form of a revenue measure. The insurance of soldiers and sailors against the risk of death during the war was assigned to the Treasury Department, because that department had recently established a War Risk Insurance Bureau to insure American ship owners and mariners against the risks of navigation in the field of belligerent operations while the United States was still a neutral country, although the Pension Office in the Department of the Interior possessed a long-established organization for making payments to the veterans of our earlier wars and to their dependents. The payment of allotments and allowances to dependents of men in the national army was assigned to the same bureau, although the War Department had long been making similar payments to dependents of men in the regular army. The award of compensation to the injured was also assigned to the same bureau, although the United States Employees Compensation Commission had already been created to perform a similar service for those injured in the course of civilian employment. The tangle of authority between the War Risk Insurance Bureau and the Public Health Service and Federal Board for Vocational Education over the rehabilitation of the injured is such a recent and painful experience that the need for administrative reorganization in that field need not be argued.

The consequences of such an illogical organization of administrative agencies are not far to seek. It leads to conflicts of authority between the heads of competing agencies, duplication of work, lack of coöperation between those in charge of related activities,

and the erroneous assignment of new undertakings. It checks initiative on the part of the less favored bureau chiefs, and encourages extravagance on the part of those who are more fortunate or aggressive. It impedes the standardization of administrative methods and practices, confuses the government accounts, and renders obscure the published statements of public expenditures. These are the principal items in support of the general charge that the present system is neither economical nor efficient.

Former Assistant Secretary of the Navy, Franklin D. Roosevelt, when a candidate for the Vice-Presidency, devoted much of his attention on the stump to the need for administrative reorganization in the Federal Government. One of his favorite illustrations of the absurdity of present conditions was the case of the bears in Alaska, which are under the protection of four different departments, War, Interior, Agriculture, and Commerce. Doubtless, however, the same bear is rarely entitled to protection by more than one department at a time, and probably under some circumstances it is more convenient for one department to afford protection than for another. The distribution of the work of protecting bears among four different departments is utterly illogical, if the principle of classification upon which governmental activities are to be classified is that of the nature of the service rendered, but it may not be illogical if a different principle of classification be adopted. Bears may be protected in different ways. Some methods of protection may be suitable for use by the War Department; others by the Department of Agriculture; others still by the Department of Commerce or of the Interior. In other words, before there can be any logical redistribution of administrative agencies among the

executive departments, there must be a logical classification of government activities. But a logical classification of activities implies agreement upon some principle of classification.

#### PRINCIPLES OF CLASSIFICATION

There are several possible principles of classification. In the first place, government activities may be classified in accordance with the class of persons benefited. Upon this principle all activities designed to benefit a particular class of persons would be placed in charge of the same administrative agency. Thus all activities designed for the benefit of children would be assigned to a children's bureau, and all those designed to benefit women to a women's bureau. It is plainly impracticable to assign all activities designed to benefit men to a men's bureau, but activities designed to benefit farmers could be assigned to the Department of Agriculture, merchants to the Department of Commerce, wage-earners to the Department of Labor, etc. The difficulty with this principle of classification is that the same individuals may appear in several classes, according as they are classified ethnologically, biologically, economically, socially, or politically. However, the Bureau of Indian Affairs acceptably serves the interests of Indians regardless of age, sex, occupation or social condition, the Bureau of Mines serves the coal mining interests, the Bureau of Fisheries, fishermen, the Forest Service, lumbermen, the Bureau of Standards, various kinds of manufacturers, etc. The advantage of this principle of classification, from the standpoint of the administrator, is that he knows to whom he must look for support, and can develop his activities in the direction that will bring the strongest backing to his agency. The success of the Department of Agriculture in

serving the interests of the farmers, and its corresponding strength in Congress, has enabled it to expand its services in many ways that would have been impossible, had the same services been entrusted to agencies organized upon any other principle. But departments organized to serve relatively weaker interests, like the Department of Commerce, find it much more difficult to secure the appropriations needed for the development of their activities.

Secondly, government activities may be classified in accordance with the nature of the service rendered. Upon this principle all activities of the same character would be placed in charge of the same administrative agency, regardless of the class of persons benefited. Thus all activities relating to education would be assigned to a bureau or department of education, all those relating to the public health to a public health service, whether the persons benefited were farmers, merchants, wage-earners, children, immigrants, Indians, or what not. Because of the difficulties encountered in attempting to reconcile this principle of classification with the first, there have been some strange organizations brought into being at Washington. The Federal Board for Vocational Education is the outstanding example of the results of these conflicting principles. It is composed of the Secretaries of Agriculture, Commerce, and Labor, together with the Commissioner of Education from the Department of the Interior, and three citizens appointed to represent respectively the farmers, employers and wage-earners. Even if no attempt is made to reconcile this principle with the first, it is difficult to apply it logically. The War Department, for example, was created to provide for the common defense and hence does not need to concern itself with any

particular class of people. But it has proved very difficult to define with any precision its proper range of activity. Actually it maintains a well-developed health service, a well-developed educational service, and a well-developed engineering service, together with a colonial service. The Post Office Department also maintains a wide variety of services which have grown out of the original service of transmitting the mails, such as parcel post, postal savings and the transmission of funds. This principle of organization is defective from the standpoint of the administrator, because it makes political support more uncertain. This is evidenced by the stunted growth of the Public Health Service and especially of the Bureau of Education.

Thirdly, government activities may be classified in accordance with the nature of the process by which they are carried on. This leads to what is often, though generally incorrectly, called a functional classification of administrative agencies. The Government Printing Office and the Bureau of Engraving and Printing are the best examples of agencies organized in accordance with this principle. Proposals have frequently been made for carrying this principle further, as by combining the various statistical offices or chemical laboratories that abound in Washington. But it cannot be carried much further. To combine all the corps of stenographers or typewriters, for example, would be a manifest absurdity, and the proposal to merge all the statistical offices or chemical laboratories is hardly less absurd.

Among pending proposals of this character the most promising is the one to create a department of public works which will bring together the various engineering services now scattered through several different departments. The Reclamation Service, for

example, was originally placed in the Department of the Interior, because the lands to be reclaimed were generally public lands already under the jurisdiction of that department. The Office of Public Roads was originally placed in the Department of Agriculture, because the roads to be improved by federal aid were generally rural roads whose improvement was of interest primarily to farmers. The Engineer Corps was originally placed in the War Department, because it was organized for the construction of military works and its personnel was recruited from officers of the army. The Supervising Architect's Office was originally placed in the Treasury Department, because the buildings to be designed were generally customs houses. The Federal Power Commission, created a year ago, was placed outside the jurisdiction of any single department, because the Departments of War, the Interior, and Agriculture were too jealous of one another to permit any one of them to secure exclusive jurisdiction over the subject. No doubt the bringing together of all these agencies under a single head would facilitate certain economies in the purchase of equipment and materials, and would be conducive to greater efficiency through the standardization of methods and regularization of work; but where each unit is so well-developed as to be able to operate under present conditions on a comparatively large scale, it may be surmised that these advantages are likely to be exaggerated.

It is evident that no general reorganization of administrative agencies upon any single principle of classification is practicable. Each of the three principles must be applied in the cases in which it is, on the whole, the most eligible; and such expedients must be adopted as prove most serviceable to adjust the conflicts of interest to

which the adoption of conflicting principles in different cases will inevitably lead. Certain expedients, however, are clearly better than others. "Makeshift" arrangements, as in the case of the Federal Board for Vocational Education, will generally prove unsatisfactory. More promising are the results to be expected from the creation of a budget bureau and the establishment of a sound practice with respect to the preparation of the departmental estimates. A permanent budget bureau, equipped with an adequate information service, could do much to prevent the duplication of activities by different agencies and to coordinate the activities of different agencies employing similar processes, or rendering the same kind of service, or serving the same class of people. The friction which is inevitable in any administrative machine assembled from logically incompatible parts would be reduced to a minimum. The establishment of a centralized purchasing agency or bureau of supplies in place of the present General Supply Committee, which merely adopts standard specifications and arranges uniform prices for supplies procured by the agencies in Washington, would also improve present conditions.

Such improvements, however, would not remove the need for some redistribution of existing agencies among the departments. Several more or less comprehensive plans of redistribution have been worked out. The best of them is a *Proposal for Government Reorganization* recently published by the National Budget Committee.

#### ADVANTAGES OF REDISTRIBUTION

In general the economies resulting from the redistribution of administrative agencies among the executive departments are likely to be exaggerated. A glance at the published state-

ments of appropriations suggests that the possible savings to be obtained by a more economical arrangement of the administrative agencies outside the military and naval establishments can not exceed a fraction of one per cent of the total annual expenditures. Greater savings can not be obtained except by a reduction in the service rendered. Public opinion probably would not sanction any further curtailment of the services rendered to the people by the civil branches of the national administration. Greater efficiency rather than further drastic economies is what is needed. A well-devised plan for the redistribution of certain bureaus would undoubtedly do much to secure an increase of efficiency. The only field for any substantial saving is in the military and naval establishments. The expenditures upon the national defense can be greatly reduced by a policy of retrenchment in the army and the navy. But that is not a problem in administration. It is a political problem.

Probably, too, the greatest advantages to be expected from any redistribution of administrative agencies will be political rather than administrative. Consider, for example, the case for a new department of social welfare, or, as it might better be termed, of education and social welfare. Such a new department would result from the bringing together under a single cabinet secretary of the Bureau of Education and other existing educational agencies, the Public Health Service, the Bureau of War Risk Insurance, the Pension Office, the United States Employees Compensation Commission, the Children's Bureau, the Office of Indian Affairs, etc. Its organization would give these scattered agencies a common head who would have no other responsibility than that of promoting their interests. It would

greatly improve their position with respect to the dominating influences in the government, the President and the Congress. It would bring them larger appropriations, enable them to expand their services, and establish them more securely in the good opinion of the people of the country.

#### THE INDEPENDENT DEPARTMENTS

More important than the redistribution of administrative agencies within the departments is the reorganization of the independent executive establishments. In recent years there has been a pronounced tendency toward the multiplication of administrative agencies outside the organized executive departments. At the close of the Roosevelt administration there were only three such agencies of note, the Court of Claims, created in 1855, the Civil Service Commission, created in 1883, and the Interstate Commerce Commission, created in 1887. The Taft administration created several similar agencies, notably the Tariff Commission, the Court of Customs Appeals, the Commerce Court, and the Commission on Economy and Efficiency. The succeeding administration pursued a similar policy. During President Wilson's first term the Federal Reserve Board, the Federal Trade Commission, the United States Shipping Board, the Employes Compensation Commission, and the Federal Board for Vocational Education were the most noteworthy additions to the list. The Federal Farm Loan Board, nominally a part of the Treasury Department, is operated as independently as the Federal Reserve Board. The Tariff Commission, which had been allowed to lapse, was recreated. Only the Commerce Court was destroyed. During the war the creation of independent executive agencies was the outstanding feature of the adminis-

trative policy of the government. Several of these independent war agencies have survived, notably the Alien Property Custodian and the War Finance Corporation.

The late Congress, under Republican leadership, continued this policy. The Interstate Commerce Commission and the Shipping Board were enlarged, and a new railroad Labor Board was substituted for the United States Mediation and Conciliation Commission, originally created in 1913. Furthermore, the Federal Power Commission, nominally an independent executive agency, created by the Water Power Act of 1920, is in substance a sub-committee of the Cabinet, consisting of the Secretaries of War, the Interior, and Agriculture. The principal precedents for this type of agency are the Council of National Defense, created in 1916, consisting of six members of the Cabinet, and the Insecticide and Fungicide Board, created in 1910, consisting of three members of the Cabinet. In each case a subordinate executive officer is in active charge of the work of the agency.

The organization of so many independent executive establishments tends to produce a condition of administrative disintegration like that which existed generally in the states a few years ago. New York, for example, possessed over one hundred and fifty separate administrative agencies, and several states possessed over a hundred. The Federal Government has not yet approached such a condition of administrative disintegration as existed in these states, but it is launched upon a course which leads in that direction. In the larger states the process of administrative reorganization in recent years has brought these independent agencies together, more or less effectively, within a comparatively few executive departments. Administra-



tive reorganization in the Federal Government, however, has been generally understood hitherto as the redistribution of existing bureaus among the departments, and has not comprehended the inclusion of independent establishments within the departmental scheme of organization.

President Taft was deeply interested in the principles of governmental administration, and displayed a more profound insight than many administrative reformers. His policy seems to have been founded upon a distinction between three types of administrative action, that which is quasi-legislative in character, that which is purely executive, and that which is quasi-judicial. The first type was represented by the Tariff Commission, whose task it was to ascertain the facts which should be the basis of wise legislative action. The second type was represented by the Commission on Economy and Efficiency, whose task it was to improve the methods of administrative action. As is well known, President Taft was working towards the creation of permanent agencies by means of which there could be effective central control of purely executive action. The third type was represented by the Court of Customs Appeals and the Commerce Court, whose work, as the names indicate, was intended to be assimilated to that of the ordinary courts of justice.

In constituting an agency of the first type, therefore, the Taft plan contemplated the deliberate representation of the major political parties. The Tariff Commission was actually so organized as to give the dominant party a majority. Agencies of the second type were not designed to be either bi-partisan or non-partisan. They were to be agents of the President, subject to his direction and control. Agencies of the third type were intended to be non-

partisan, hence their members were to receive the rank and tenure of judges. Unfortunately President Taft's most ambitious venture in the field of administrative reorganization, the Commerce Court, failed to fulfil his expectations, and, partly in consequence of an unwise appointment, fell a victim to adverse political conditions.

President Wilson showed by his conduct of the war, especially by his handling of the administrative problems growing out of the control of food, fuel, and the war industries, an appreciation of sound principles of administration, but he did not seem disposed to act upon those principles during his first term. He sanctioned the destruction of the Commerce Court, and the creation of powerful administrative agencies, such as the Federal Reserve Board, Federal Trade Commission, and Shipping Board, without regard to the principles to which subsequently he scrupulously adhered in the organization of the Food and Fuel Administrations, and the War Industries Board, the most powerful (in fact, if not in law) of the special war agencies. Perhaps the explanation may be found in the fact that he enjoyed practically a free hand in the organization of those war agencies, despite the strong fight made in Congress in behalf of the commission plan for food and fuel control, while he was constrained to accommodate himself to certain democratic preconceptions in matters of administration when pushing through Congress the Federal Reserve, Federal Trade, and Shipping Acts.

Be that as it may, the agencies charged with the administration of those great statutes are endowed with a combination of powers without a parallel in the history of the national administration with the exception of the Interstate Commerce Commission during the period 1906-1910 and since

1913. They may investigate, ascertain facts, determine policies, institute prosecutions, try the accused, impose judgment, and execute their decisions.

Moreover, they have been deliberately organized upon partisan lines. The principle upon which they have been constituted is that adopted by the Taft administration for quasi-legislative agencies, such as the Tariff Commission, which deals with matters of public policy wherein partisanship finds its proper place. The principle appropriate for an agency exercising quasi-judicial functions, exemplified in the ill-starred Commerce Court, has been lost from view. These boards exercise quasi-legislative powers, to be sure, most conspicuously in the case of the Federal Trade Commission with its campaign for regulation of the packing industry. But their quasi-judicial functions are too important to be so lightly disregarded. This is not the reign of law, as that term was formerly understood. It is the reign of men, exercising what comes dangerously near to arbitrary powers over their fellow men in some of their most vital activities.

Charles E. Hughes, speaking on this subject last year at the centennial celebration of the Harvard Law School Association, was reported to have said:

Disregarding the lessons of history, there has been a disposition to revert to the methods of tyranny in order to meet the problems of democracy. Intent on some immediate exigency, and with slight consideration of larger issues, we create autocratic power by giving administrative officials who can threaten indictment the opportunities of criminal statutes without any appropriate definition of crime. . . . Ignoring the distinctions prized by the Fathers, and excusing the violation of tradition by easily made phrases, we unite legislative, executive, and judicial powers in an administrative agency, with large spheres of uncontrolled discretion, which

may investigate and lay complaint, and then try and determine facts upon which the complaint rests, their findings of fact, where there is any dispute in the evidence, being made for many purposes conclusive. Useful as are these instrumentalities of administration, they represent to a striking degree a prevalent desire to do without law. There is thus recourse to the most primitive method in dealing with the most difficult problems of the twentieth century.

In reorganizing the Interstate Commerce Commission and the Shipping Board by the Transportation and Merchant Marine Acts of 1920, the late Congress showed no appreciation of the dangers to which the present Secretary of State has so forcefully directed our attention. By the new constitution of the Shipping Board, for example, its members are all to be partisans, four from one and three from the other of the two major parties. Their terms are fairly long and expire in series, but they must be so chosen as to represent the various shipping interests of the country. This is proper in the case of a board with quasi-legislative powers, but wholly improper in that of one with important quasi-judicial powers. The Federal Trade Commission has always functioned as a quasi-legislative rather than a quasi-judicial body, though its powers of the latter description are of high importance. The Interstate Commerce Commission is apparently destined to function in a similar manner. The present administration has a better tradition, so far as these matters are concerned, bequeathed to it by the Taft administration. Its members can not plead ignorance of the principles of sound administration. It is to be hoped that when it deals with the task of administrative reorganization in the Federal Government, it will not fail to act upon the wisdom which it possesses.

Certain of the independent establishments should be incorporated into existing or new departments. Others must remain wholly or in part outside the framework of departmental organization, but, where necessary, should be resolved into their several elements. Quasi-legislative functions should be assigned to agencies organized for the performance of such functions. Quasi-judicial functions should be assigned to agencies organized for the performance of such functions. The Interstate Commerce Commission, for example, and the Federal Trade Commission, perform certain duties which might not improperly be transferred to the Department of Justice. Others may be vested in any suitable partisan or administrative agency. The purely executive duties of the Interstate Commerce Commission alone would furnish ample employment for a large bureau in the Department of Commerce. Still other duties ought to be transferred to agencies whose non-

partisanship can never fail to be above suspicion.

These changes in administrative organization would probably save the Federal Government little, if any, money. On the other hand, they would certainly improve the efficiency of the services concerned. But most important of all, they would greatly strengthen the government in the confidence of the people. For the moment, public opinion seems disposed to make fewer demands upon the government for the increase of administrative activities than for a long time past. The opportunity should be seized to introduce sound methods of administration, to strengthen the administrative machinery, and to accumulate a stock of public confidence in the administrative capacity of the government which will stand it in good stead when opinion presently demands the assumption of new responsibilities towards the public, and heavier burdens again fall upon our administrative system.

## Earned and Unearned Income

By WILLFORD I. KING

Economist, National Bureau of Economic Research

THE division of income into two broad categories denominated respectively as "earned" and "unearned" finds little or no sanction in standard texts on economics, but nevertheless, this classification is treated by many semi-scientific publicists as an accepted form of differentiation, and a considerable number of economists show a tendency either to use it in their writings or tacitly to admit its validity. Since, then, the usage of this terminology is becoming increasingly common, it seems worth while to inquire whether or not there exists a type of income which may justly be designated as

"unearned" and which, at the same time, possesses characteristics that make it desirable or necessary to place it in a separate category and perhaps to measure its importance or volume.

If there really is such a thing as "unearned" income, where may it be found? The Single Taxer will assure us that it consists wholly, or at least principally, of rent of land or of profits made through speculation in land. The Marxian will insist that it is made up of interest and the unreasonable gains of "profiteers." The view, however, which seems to find most general acceptance is that all income arising